

Town of



Amherst Massachusetts

TOWN CLERK

Sandra J. Burgess, Town Clerk
Town Hall
4 Boltwood Avenue
Amherst, MA 0100

Phone: (413) 259-3035
Fax: (413) 259-2499
townclerk@amherstma.gov
www.amherstma.gov

BYLAW APPROVAL BY STATE ATTORNEY GENERAL

I, Sandra J. Burgess, Town Clerk of Amherst, Massachusetts certify that the attached is a true copy of the amendments to the Zoning Bylaws adopted under Articles 6 and 8, and to the General Bylaws adopted under Articles 4, 5, 12, 13, and 15 of the warrant for the Special Town Meeting that convened November 6, 2017, with the approval of the Attorney General of Massachusetts, herewith.

Attest:

Sandra J. Burgess
Town Clerk
February 27, 2018

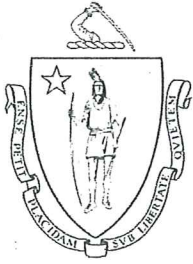
Any claims of invalidity in the case of Zoning Bylaws by reason of any defect in the foregoing procedure of adoption may only be made within 90 days of the posting of this notice.

Date posted February 27th, 2018

On the above date written I have posted copies of the bylaw amendments passed at the November 6, 2017 Special Town Meeting and approved by the Attorney General of Massachusetts on February 23, 2018, at the following places in town:

Precinct 1	North Amherst Post Office	Precinct 6	Fort River School
Precinct 2	North Fire Station	Precinct 7	Crocker Farm School
Precinct 3	Immanuel Lutheran Church	Precinct 8	Munson Memorial Library
Precinct 4	Amherst Post Office	Precinct 9	Wildwood School
Precinct 5	Town Hall	Precinct 10	Campus Center, UMass

Constable, Town of Amherst



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 23, 2018

Sandra J. Burgess, Town Clerk
Town of Amherst
4 Boltwood Ave.
Amherst, MA 01002

Re: Amherst Special Town Meeting of November 6, 2017 -- Case # 8721
Warrant Articles # 6 and 8 (Zoning)
Warrant Articles # 4, 5, 12, 13, and 15 (General)

Dear Ms. Burgess:

Articles 4, 5, 6, 8, 12, 13 and 15 - We approve Articles 4, 5, 6, 8, 12, 13 and 15 from the November 6, 2017 Amherst Special Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

ARTICLE 6
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED Yes 104, No 50 with 5 abstaining to amend the Zoning Bylaw to insert a new use, “recreational marijuana retailer” and make changes, and to modify the regulation of “medical marijuana” uses, as follows:

- (1) Amend Article 3, Use Regulations, Section 3.3, Use Classifications and Standards, by deleting Section 3.360.40, Medical Marijuana Treatment Center (MMTC) and Section 3.360.41, Off-Site Medical Marijuana Dispensary (OMMD) in their entirety, including associated standards and conditions, and
- (2) Amend Article 3, Use Regulations, Section 3.3, Use Classifications and Standards, by adding a new use category, Section 3.363, Marijuana Uses, and adding subsections, shown in ***bold italics***, as follows: Section 3.363.0, Medical Marijuana Treatment Center (MMTC), Section 3.363.1, Off-Site Medical Marijuana Dispensary (OMMD) and Section 3.363.2, Recreational Marijuana Retailer (RMR), and adding associated Standards and Conditions; and
- (3) Amend Article 12, Definitions, by adding a new definition, 12.34, Recreational Marijuana Retailer (RMR), by adding the language in ***bold italics***, and to renumber subsequent subsections (definitions) of Article 12.

ARTICLE 3 USE REGULATIONS, Section 3.3, Use Classifications and Standards

3.363 *Marijuana Uses*

3.363.0 *Medical Marijuana Treatment Center (MMTC)*

R-O

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	N	N	N	SP	SP*	SP	N	SP	SP	SP	N	N

****Allowed only in those B-L Districts which co-occur with the R&D overlay district.***

See definition under Article 12.

Subject to the standards and conditions listed below, under Section 3.363.2.

3.363.1 *Off-Site Medical Marijuana Dispensary (OMMD)*

R-O

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
N	N	N	N	N	SP	SP	SP	N	SP	SP	SP	N	N

See definition under Article 12.

Subject to the standards and conditions listed below, under Section 3.363.2.

3.363.2 *Recreational Marijuana Retailer (RMR)*

R-O

<i>R-LD</i>	<i>R-N</i>	<i>R-VC</i>	<i>R-G</i>	<i>R-F</i>	<i>B-G</i>	<i>B-L</i>	<i>B-VC</i>	<i>B-N</i>	<i>COM</i>	<i>OP</i>	<i>LI</i>	<i>PRP</i>	<i>FPC</i>
<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>N</i>	<i>N</i>

See definition under Article 12.

Subject to the standards and conditions listed below.

Standards and Conditions (applies to MMTCs, OMMDs and RMRs)

1. *Purpose. It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries and recreational marijuana retailers may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety and general well-being of the public as well as patients seeking treatment and customers seeking to purchase marijuana for recreational use. The specific and separate regulation of Medical Marijuana Treatment Centers (MMTCs) and Off-site Medical Marijuana Dispensaries (OMMDs) and Recreational Marijuana Retailers (RMRs) is necessary to advance these purposes.*

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, and M.G.L. Chapter 94G, MMTCs and OMMDs and RMRs will be permitted to provide medical support, security and physician oversight that meet or exceed state regulation as established by the Massachusetts Department of Health (DPH) and to provide retail sales of marijuana for non-medical use in a manner that meets or exceeds state regulations.

2. *Application Requirements. Above and beyond the standard application requirements for Special Permits, an application for a use under this section shall include the following:*
 - a) *The name and address of each owner of the facility/operation;*
 - b) *Copies of all documentation demonstrating appropriate application status under state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;*
 - c) *Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;*
 - d) *A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;*
 - e) *In addition to what is normally required in a site plan pursuant to Section 11.2, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;*
 - f) *A Management Plan as required under the Rules and Regulations of the Special Permit Granting Authority, including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to OMMDs and RMRs or off-site direct delivery;*

- g) A traffic impact report as set forth in the Rules and Regulations of the Special Permit Granting Authority shall be developed and submitted with the application.*

3. Regulations. *The following regulations shall apply to uses under this section:*

a. Use Regulations.

- 1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.*
- 2) The hours of operation shall be set up the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.*

b. Locational and Physical Requirements

- 1) All aspects of an MMTC or OMMD or RMR relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, or products containing marijuana, must take place at a fixed location within a fully enclosed building.*
- 2) No outside storage of marijuana, related supplies, or educational materials is permitted.*
- 3) No MMTC shall have a gross floor area in excess of 25,000 square feet.*
- 4) No OMMD or RMR shall have a gross floor area accessible to patients or customers which is in excess of 2,500 square feet, except as may be permitted under 3., e., 1), c). Space in an OMMD facility or RMR which is dedicated to administration or operations and is accessible only to employees of the facility shall not be included in this limitation.*
- 5) Ventilation – all facilities shall be ventilated in such a manner that:*
 - a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and*
 - b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the MMTC or OMMD facility or RMR or at any adjoining use or property.*

c. Reporting Requirements

- 1) All Special Permit holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.*
- 2) The designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health and Special Permit Granting Authority in writing a minimum of thirty (30) days prior to any change in ownership or management of a facility regulated under this section.*

- 3) *The designated representatives of permitted facilities shall file an annual report with the Special Permit Granting Authority and shall appear before said Authority to present the report no later than January 31st of each year, providing a copy of all current applicable state licenses for the owners and facilities, to demonstrate continued compliance with the conditions of the Special Permit.*
- 4) *The designated contact persons shall be required to respond by phone or email within twenty-four (24) hours of the time of contact and inquiry regarding operation of the facility by a town official to the telephone number or email address provided as the contact for the business.*

d. Transfer/Discontinuance of Use

- 1) *A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as an MMTC or OMMD or RMR.*
- 2) *Any MMTC or OMMD or RMR permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J), (O) prior to the expiration of its DPH Registration or immediately following revocation or voiding of its DPH Registration or following expiration, revocation or voiding of its license issued by the Cannabis Control Commission.*

e. Prohibitions

1) The proposed uses shall not be located:

a) Within three hundred (300) feet of a building:

- i. Containing another MMTC or OMMD or RMR, except for facilities that are owned or leased by the same operator; or*
- ii. In which is located a public or private elementary school, middle school, secondary school, preparatory school, licensed daycare center, or any other facility in which children commonly congregate in an organized ongoing formal basis; or*
- iii. Owned by and operated as part of the campus of any private or public institution of higher learning; or*
- iv. Housing a public library; or*
- v. Containing any residential use, excepting a mixed-use building under Section 3.325 of the Zoning Bylaw.*

b) Within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy; or

c) Within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana. An exception shall be that the Special Permit Granting Authority may grant permission for palliative and therapeutic care uses in the same building in which an MMTC or OMMD or RMR is operated; or


- 2) *The proposed use shall not display on-premises signage or other marketing on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Special Permit Granting Authority, may promote or encourage the use of marijuana or other drugs by minors.*
4. *Findings. In addition to the findings required under Section 10.38, and meeting the provisions of Articles 7, 8 and all other applicable sections of this Bylaw, the Special Permit Granting Authority shall find that the proposed use:*
 - a. *Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.*
 - b. *Will provide copies of registrations and licenses and a copy of a signed Host Agreement with the Town of Amherst, in accordance with M.G.L. Chapter 94G and subsequent regulations to the Building Commissioner prior to the issuance of a Certificate of Occupancy.*
 - c. *Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.*
 - d. *Provides a secure waiting area.*
 - e. *Provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.*
 - f. *Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.*
5. *Limitation on number of RMRs – No more than eight (8) Recreational Marijuana Retailers shall be permitted to be located in the Town of Amherst.*

ARTICLE 12 DEFINITIONS

- 12.34 *Recreational Marijuana Retailer (RMR): An entity licensed to purchase and deliver marijuana and marijuana products from marijuana cultivators and marijuana product manufacturers and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana consumers, for non-medical purposes.*

Action taken 11/6/17.

A true copy, Attest:



Sandra J. Burgess
Town Clerk

ARTICLE 8
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED by a declared two-thirds to amend Section 4.32 and Article 6, Table 3 of the Zoning Bylaw as follows:

Part A. Amend Section 4.32 by deleting the ~~lined-out language~~ and adding the language in ***bold italics***, as follows:

4.32 Use and Dimensional Standards

4.320 A one-family detached dwelling, a zero lot line single family dwelling, a two-family detached dwelling (duplex), or attached dwellings, or other lawful accessory building may be constructed on certain lots in a Cluster Development (as herein defined and limited) although such lots have less area, frontage, and/or rear and side yard dimensions than normally required.

4.321 The total area of land included within the development shall be five (5) acres or more.

4.322 In all cluster developments, a minimum of 50 percent of the total lots shall be reduced at least 25 percent in area from the minimum standard lot size requirement of the zoning district in which the parcel is located.

4.323 Density/Setbacks

~~4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.~~

4.3231 In any zoning district, the maximum density of a cluster subdivision, except for an affordable cluster, shall not exceed the allowed density for a standard subdivision in that zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. See Section 4.12. In addition, the applicant shall submit a Yield Plan. See Article 12.

4.324 For all cluster developments, the following Dimensional Regulations shall be substituted for those in Article 6, Table 3.

	<i>R-LD</i>	<i>R-0</i>	<i>R-N</i>	<i>R-VC</i>	<i>R-G</i>
<i>Cluster Minimum Lot Area (sq. ft.)</i>	<i>25,000</i>	<i>15,000</i>	<i>10,000</i>	<i>7,500</i>	<i>6,000</i>
<i>Cluster Lot Frontage (ft.)*</i>	<i>100</i>	<i>100</i>	<i>80</i>	<i>60</i>	<i>50</i>
<i>Cluster Minimum Front Setback (ft.)*</i>	<i>20</i>	<i>20</i>	<i>15</i>	<i>10</i>	<i>10</i>
<i>Cluster Minimum Side and Rear Yards (ft.)*</i>	<i>15</i>	<i>15</i>	<i>15</i>	<i>10</i>	<i>10</i>

**Requirements may be modified by the Permit Granting Board under a Site Plan Review approval granted for a cluster development, except that no such modification may result in a reduced requirement of less than eighty percent (80%) of the cluster requirement. Frontage requirements may be modified for not more than fifty percent (50%) of the lots in the subdivision.*

Part B. Amend Table 3 Footnotes by deleting the lined-out language as follows:

TABLE 3 – DIMENSIONAL REGULATIONS FOOTNOTES

- a) Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b) Applies to Residence Uses only (Section 3.32). In the B-G, B-VC, and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- e) ——— Reserved
- d) ——— [Reserved.]
- e. ——— [Reserved.]
- f. ——— [Reserved.]
- g. ——— [Reserved.]
- h. ——— [Reserved.]
- i. ——— [Reserved.]
- j. ——— 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. ——— Requirements may be modified by the Permit Granting Board under a Site Plan Review approval granted for a cluster development, except that no such modification may result in a reduced requirement of less than eighty percent (80%) of the cluster requirement. Frontage requirements may be modified for not more than fifty percent (50%) of the lots in the subdivision.
- l. ——— [Reserved.]

- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.

Part C. Amend Table 3 by removing the bottom four rows and the footnotes deleted under Part B of this article, and by replacing the term "70/85" in Row "Maximum Lot Coverage (%)" / Column "B-L" with the numeral "85".

Action taken 11/13/17.

A true copy, Attest:

A handwritten signature in cursive script that reads "Sandra J. Burgess". The signature is written in dark ink and is positioned above the printed name and title.

Sandra J. Burgess
Town Clerk

ARTICLE 4
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED Yes 98, No 57 with 7 abstaining to amend the General Bylaws to limit the number of recreational marijuana retail establishments located within the Town by adding the following Bylaw:

Preamble

M.G.L. c.94G does not require a vote of the voters to approve any limitation on the number of recreational marijuana establishments that is at or above the number of medical marijuana treatment centers registered to operate in the municipality or equal to or greater than 20% of the licenses issued for the retail sale of alcoholic beverages not to be drunk on the premises. Currently there are four (4) medical marijuana treatment centers registered to operate in Amherst and eleven (11) licenses issued for the retail sale of alcoholic beverages not to be drunk on the premises in Amherst.

Limitation

No more than eight (8) recreational marijuana retail establishments shall be permitted to be located in the Town of Amherst.

Action taken 11/6/17.

(A motion was made by Janet Chevan to amend the proposed bylaw to limit the number of recreational marijuana retail establishments to no more than six. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. Ms. Chevan's motion failed by default.)

A true copy, Attest:



Sandra J. Burgess
Town Clerk

ARTICLE 5
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED Yes 117, No 73 with 1 (one) abstaining to amend the General Bylaws to prohibit consumption of marijuana or tetrahydrocannabinol in public ways and places by adding the following Bylaw:

Consumption of Marijuana or Tetrahydrocannabinol (THC)

No person shall inhale, ingest, or otherwise use or consume marijuana or THC (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

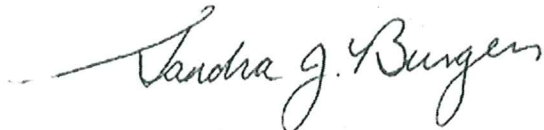
This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Select Board, the Town Manager, or their duly authorized agents, or any police officer. The fine for violation of this Bylaw shall be one hundred dollars (\$100) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This Bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

Action taken 11/6/17.

(A motion was made to reduce the fine for violation from \$300 to \$100. In accordance with Section 7 of the Rules of Order for Town Meeting, Town Meeting voted first on the higher amount. The vote on the higher amount was defeated and the motion to reduce the fine for violation from \$300 to \$100 carried.)

A true copy, Attest:

A handwritten signature in cursive script that reads "Sandra J. Burgess".

Sandra J. Burgess
Town Clerk

ARTICLE 12
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED to amend the General Bylaws by adding a new bylaw as follows:

1. Purpose

Public Shade Trees are protected by Chapter 87 of the Mass General Laws and regulated by the Amherst Tree Warden and the Select Board. The purpose of this bylaw is to recognize the protection afforded Town Public Shade Trees pursuant to Chapter 87 of the General Laws. In connection therewith, the bylaw authorizes the Select Board, in consultation with the Tree Warden, to promulgate regulations addressing the process by which these trees may be cut or removed. The bylaw also authorizes creation of a committee, appointed by the Select Board, to serve in an advisory role to the Tree Warden. Lastly, the bylaw provides for an enforcement scheme consistent with the General Laws to address unauthorized cutting or removal.

2. Public Shade Tree Committee (“PSTC”) duties

The PSTC shall work to protect and promote Public Shade Trees consistent with the committee charge as set forth herein and as may be approved by the Select Board from time to time, including:

- a. Advocating for public trees and educating the public on the importance of street trees;
- b. Advising the Tree Warden, at the Warden’s request, as to tree removal, replanting and other tree related topics; and
- c. Searching out and designating locations for new plantings and organizing tree plantings, encouraging broad citizen participation.

3. Promulgation of Regulations

The Select Board shall hereby be authorized to promulgate regulations consistent with law to implement the provisions of this bylaw, including but not limited to:

- a. establishing a process for applying for authorization to cut or remove Public Shade Trees as that term is defined in the General Laws (hereinafter “Public Shade Trees”);
- b. setting penalties for violations of such regulations;
- c. establishing mitigation requirements in the event of a violation thereof, including payment of any related costs incurred by the town; and
- d. establishing an appeal process.

4. Prohibited Acts

No person shall violate any provision of the General Laws applicable to Public Shade Trees, this bylaw or any regulation promulgated hereunder.

5. Enforcement

This bylaw and any regulations promulgated hereunder may be enforced by any means available in law or in equity, including non-criminal disposition. For purposes of non-criminal disposition, the term "enforcing person" shall mean the Tree Warden or any police officer of the town of Amherst. Each day a violation exists with respect to each Public Shade Tree shall constitute a separate violation. In the absence of a regulation promulgated hereunder establishing a different amount, each such violation shall be subject to a fine of \$300. Action taken 11/8/17.

A true copy, Attest:

A handwritten signature in cursive script that reads "Sandra J. Burgess". The signature is written in dark ink and is positioned to the right of the "Attest:" text.

Sandra J. Burgess
Town Clerk

ARTICLE 13
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED Yes 99, No 81 with 2 abstaining to amend the General Bylaws by adding a Bylaw, “Town Meeting Advisory Committee”, as described below.

(a) The Town Meeting Advisory Committee. Duties of the Committee

There shall be a Town Meeting Advisory Committee (TMAC) consisting of nine members to be elected, as required by Section (b) “Committee Elections” by members of Town Meeting at the Annual Town Meeting.

Duties of the Committee. It shall be the duty of this committee to investigate how the Town Meeting warrant articles would affect the Town if passed, excepting the Town finances, which are reserved for the Finance Committee. The TMAC shall analyze the benefits and impacts to the Town of warrant articles and shall report its findings to Town Meeting. The principal focus of its report shall be on the analysis of pros and cons that it identifies.

(b) Committee Elections; Term of Office; Termination of Membership; Committee Vacancies
Committee Elections: Nominations to the Committee shall be made in writing and delivered to the Town Clerk, with the consent of the nominee recorded on the nomination paper. Nominations may be made by any or all of the following:

1. The Moderator;
2. The Town Meeting Coordinating Committee (TMCC); and
3. By filing with the Town Clerk an individual’s statement of nomination.

The nominees need not be Town Meeting members, but shall be residents of Amherst. The Town Clerk shall prepare a list of all nominees to be presented to Town Meeting members, without identifying the source of nomination. The Town Clerk shall prepare a ballot of those nominated, which ballot shall be presented to each Town Meeting member at a subsequent session of the Annual Town Meeting to be determined by the Moderator after consultation with the Town Clerk. Each Town Meeting member shall cast a number of votes less than or equal to the number of seats available. Ties shall be resolved by a coin toss.

Terms of Office: Each member shall hold office for three years commencing with the dissolution of the Town Meeting at which they were elected and ending at the dissolution of the Town Meeting three years later. Members shall be sworn by the Town Clerk. Notwithstanding any other provision of this paragraph, however, initial elections to the TMAC shall be in accord with the following: the three candidates receiving the largest number of votes shall be elected to serve three year terms, the next three candidates receiving the largest number of votes shall be elected to serve two year terms, and the next three candidates receiving the largest number of votes shall be elected to serve one year terms.

Termination of Membership: Other than termination at the expiration of a member’s term, membership on the Committee shall terminate when the member submits a resignation to the Town Clerk or is no longer a resident of the Town.

Committee Vacancies: When a position on the Committee becomes vacant for any reason other than expiration of a term, the Moderator shall appoint, from among those unelected candidates of the most recent election who are still-willing to serve, the candidate who

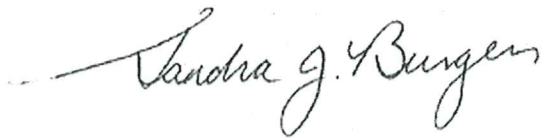
received the highest number of votes in said election, ties to be resolved by a coin toss. If no unsuccessful candidate from the most recent election meets these qualifications, the Moderator shall appoint a Committee member from among the current Town Meeting members or other residents of the Town. Appointed Committee members shall serve the remainder of the uncompleted term.

- (c) Committee Internal Organization and Procedures: Leadership, Minutes
Leadership: The committee shall annually elect its own leadership.

Minutes: The Committee, and any subcommittees thereof, shall keep minutes of its proceedings and shall file these minutes with the Town Clerk.

Action taken 11/8/17.

A true copy, Attest:

A handwritten signature in cursive script that reads "Sandra J. Burgess". The signature is written in dark ink and is positioned above the printed name and title.

Sandra J. Burgess
Town Clerk

ARTICLE 15
Form 2 – Submission 2
TOWN MEETING ACTION

VOTED Yes 123, No 54 with 9 abstaining to amend the Town of Amherst General By-Laws by adding the following new by-law.

ZERO-ENERGY TOWN BUILDINGS.

1. Definitions: For purposes of this Bylaw:

- a. 'Town of Amherst Buildings and Building Additions' shall mean all new buildings and new building additions built by and for the Town of Amherst and its subsidiary agencies, including but not limited to the Amherst School Committee.
- b. 'On-Site Renewable Energy Systems' shall mean photovoltaic or wind-energy systems serving the same electric meter that is used by the subject building(s) or addition(s),
 - i. Clarification: For purposes of this Bylaw, Renewable Energy Systems not on the project site and/or not on the same electric meter as the subject building(s) or addition(s) may be used if insufficient solar or wind exposure is available on the project site, subject to the following conditions:
 - 1. For Renewable Energy Systems purchased directly, such systems shall be funded as part of the construction budget.
 - 2. Such Renewable Energy Systems shall be dedicated exclusively to the subject project, and the energy generated shall be metered independently.

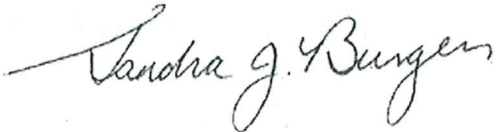
2. Zero Energy Requirements: All Town of Amherst Buildings and Building Additions shall be designed and constructed to meet Zero Energy requirements, which are defined as follows:

- a. No burning of fossil fuels shall take place on the site.
 - i. Exception: Emergency power generators powered by fossil fuels may be used.
- b. On-site Renewable Energy Systems shall supply at least as much energy, on an annual basis, as is used by the building for heating, cooling, ventilation, domestic hot water, lighting, plug loads, food preparation, refrigeration and all other building systems that require energy for operation.
- c. The building and its systems shall be conceived, planned, designed, engineered, constructed and commissioned collaboratively such that all systems work in consort to achieve the Zero Energy standards described in the previous items.
- d. Exceptions:
 - i. Projects for which construction documents (plans and specifications sufficient for competitive public bidding) are complete within 4 months of the passage of this bylaw by Town Meeting.
 - ii. Projects with a total project cost less than \$1,000,000.
 - iii. Projects which are renovations to existing buildings.
 - 1. Clarification: For projects which combine renovation of existing buildings and new construction, sub-metering shall be provided to enable separate determination of energy use by existing building(s) and by new construction.
- e. Determination of compliance with the requirements of this Bylaw:
 - i. Compliance shall be determined by actual measured performance over a 12-month period of occupancy, which 12-month period shall begin within 12 months of initial occupancy.
 - ii. Failure to Comply: The administrator of a building or addition that is non-compliant after 12 months shall continue to work toward compliance every year until it is compliant, and shall report the results publicly and to the Town Manager.
- f. Clarifications:

- i. The Town may accept payments for renewable energy credits without jeopardizing Zero Energy status under this Bylaw.
- ii. Compliance shall be measured by Site Energy, not Source Energy
- iii. Renewable energy systems may be obtained through direct purchase or through leasing or power purchase agreements with third party private entities.
- iv. Vehicles powered by fossil fuels may be allowed on the site.

Action taken 11/8/17.

A true copy, Attest:

A handwritten signature in cursive script that reads "Sandra J. Burgess". The signature is written in dark ink and is positioned above the printed name and title.

Sandra J. Burgess
Town Clerk